

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

Tuesday, October 26, 1993

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

LEAVE OF ABSENCE

Senator Jauch, with unanimous consent, asked that Senator Plewa be granted a leave of absence for the balance of today's session.

The roll was called and the following Senators answered to their names:

Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Lecan, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 32.

Absent — None.

Absent with leave — Senator Plewa — 1.

The Senate stood for the prayer which was offered by Senator Clausing from the tenth Senate district.

The Senate remained standing and Senator Decker led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 41

Relating to the proposed North American free trade agreement.

By Senators Chvala, Decker, Jauch, Clausing, Andrea, Plewa and Potter; cosponsored by Representatives Gruszynski, Bock, Boyle, Bell, Stower, Ryba, Wirch, La Fave, Kreuser, Springer and Cullen.

To committee on Business, Economic Development and Urban Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 539

Relating to the imposition of service fees on tax-exempt real property and making those fees local purpose revenues for the calculation of shared revenue.

By Senator Wineke; cosponsored by Representatives Meyer, Roberts, Musser, Reynolds and Boyle.

To committee on State Government Operations and Corrections.

Senate Bill 540

Relating to access to civil court records.

By Senators Chvala, Burke and Clausing; cosponsored by Representatives Notestein, Bock, Stower and Turner.

To committee on Judiciary and Insurance.

Senate Bill 541

Relating to electronic monitoring for juveniles, the liability of a parent for acts committed by a juvenile, contempt of court by a juvenile, venue and time limits in juvenile court proceedings, taking juveniles into custody, the maximum forfeiture that may be imposed on a juvenile and providing a penalty.

By Senators Potter, Huelsman, Moen, Rosenzweig, Andrea and Weeden; cosponsored by Representatives Ziegelbauer, Plache, Travis, Brandemuehl, Carpenter, Musser, Bolle, Holperin, Schneiders, Potter, Hahn, Krusick, Ladwig, Ryba, Vrakas, Roberts, Foti, Reynolds, Goetsch, Boyle, Otte, Plombon, Seratti, Ott and Kreibich.

To committee on Judiciary and Insurance.

Senate Bill 542

Relating to requiring a background investigation for issuance or renewal of a license or permit by the state superintendent of public instruction and making appropriations.

By Senators Buettner, Plewa, Lorman, Cowles, Petak, Darling, Farrow, Lecan, Huelsman, Rosenzweig, Zien, Drzewiecki, Moore and Panzer; cosponsored by Representatives Krusick, Schneiders, Duff, Owens, Goetsch, Lehman, Jensen, Kaufert, Lazich, Vergeront, Seratti, Silbaugh, Albers, Vrakas, Musser, Ott, Ward, Klusman and Walker.

To committee on Education.

Senate Bill 543

Relating to bicycle ways and walkways established in wetlands.

By Senators Farrow, Lorman, Rosenzweig, Petak, Huelsman and Breske; cosponsored by Representatives Duff, Plache, Huber, Hanson, Schneiders, Ott, Hahn, Silbaugh, Seratti, Ladwig and Urban.

To committee on Environment and Energy.

Senate Bill 544

Relating to treatment of a child through prayer for healing.

By Senators Rude, Schultz, Darling, Buettner, Lorman, Zien and Ellis; cosponsored by Representatives Huber, Urban, Lehman, Owens, Ward, Albers, Nass and Lorge.

To committee on Health, Human Services and Aging.

Senate Bill 545

Relating to recovery of attorney fees under the uniform commercial code and in mobile home warranty cases.

By Senator Risser; cosponsored by Representative Hahn, by request of Archie Simonson.

To committee on Judiciary and Insurance.

Senate Bill 546

Relating to establishing a misdemeanor jury pilot program.

By Senators Rude, Panzer, Lorman, Lasee and Weeden; cosponsored by Representatives Goetsch, Stower, Seratti, Freese, Brandemuehl, Silbaugh, Roberts, Lehman, Schneiders, Hinkfuss, Albers, Musser and Gard.

To committee on Judiciary and Insurance.

COMMITTEE REPORTS

The committee on State Government Operations and Corrections reports and recommends:

Senate Bill 259

Relating to discontinuing the property tax exemption for certain marketing research computers.

Passage:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Helbach and Moen;

Noes, 0 -- None.

Gary Drzewiecki
Chair

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

Senate Bill 509

Relating to the collection of wage claims, payment of wages to a discharged or resigned employe, battery or threat to a department of industry, labor and human relations employe and providing penalties.

Passage:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

Assembly Bill 70

Relating to changes in the law enforcement officers' bill of rights and the applicability of collective bargaining dispute and disciplinary procedures affecting certain local governmental employes.

Concurrence:

Ayes, 3 -- Senators Zien, Decker and Breske;

Noes, 2 -- Senators Lasee and Drzewiecki.

David A. Zien
Chair

The committee on Financial Institutions and Cultural Affairs reports and recommends:

Senate Bill 531

Relating to funding for historic sites and making an appropriation.

Passage:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Assembly Bill 615

Relating to reverse mortgage loans.

Concurrence:

Ayes, 5 -- Senators Darling, Lorman, Rosenzweig, Potter and Wineke;

Noes, 0 -- None.

Alberta Darling
Chair

The committee on Judiciary and Insurance reports and recommends:

Senate Bill 72

Relating to oleoresin of capsicum and providing a penalty.

Passage:

Ayes, 5 -- Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 -- Senators Risser and Adelman.

Senate Bill 426

Relating to increasing the penalties of a person who operates a motor vehicle while under the influence of an intoxicant when a minor is a passenger in the motor vehicle.

Passage:

Ayes, 5 -- Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 -- Senators Risser and Adelman.

Senate Bill 490

Relating to permitting a court to order a party in a civil action to submit to a vocational examination.

Passage:

Ayes, 7 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 -- None.

Joanne B. Huelsman
Chair

The committee on Environment and Energy reports and recommends:

Senate Joint Resolution 35

Relating to calling on Congress to provide funding to tribal governments for environmental protection programs.

Adoption:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausung;

Noes, 0 -- None.

Senate Bill 241

Relating to gas utility individual contracts.

Passage:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

Senate Bill 428

Relating to the possession of wild animals, their carcasses or parts of wild animals during certain times of the year.

Passage:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

Robert Cowles

Chair

The committee on Education reports and recommends:

MACNEIL, VIRGINIA R., of Bayside, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2000.

Confirmation:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

ORR, SAN W., JR., of Wausau, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2000.

Confirmation:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

TREGONING, JOSHUA E., of Whitewater, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 1995.

Confirmation:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

Senate Bill 26

Relating to various changes to the compulsory school attendance and truancy laws.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

Passage as amended:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

Senate Bill 445

An act relating to increasing the number of authorized positions for the educational communications board and making an appropriation.

Passage:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

Assembly Bill 509

Relating to the payroll of the Milwaukee public schools and to statements filed with the Milwaukee city auditor.

Concurrence:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

Assembly Bill 513

Relating to the destruction of obsolete school records of a 1st class city school district.

Concurrence:

Ayes, 7 — Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 — None.

Barbara Lorman

Chair

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

Senate Bill 111

Relating to authorizing the chairperson of a county board to appoint alternate members to a county board of adjustment.

Passage:

Ayes, 5 — Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 — None.

Assembly Joint Resolution 14

Relating to expressing appreciation of the wine industry and wine producers of Wisconsin, proclaiming a "Wine Appreciation Month in Wisconsin" and proclaiming a "Wisconsin Wine Appreciation Week".

Concurrence:

Ayes, 5 — Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 — None.

Assembly Bill 195

Relating to sheep milk and dairies.

Concurrence:

Ayes, 5 — Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 — None.

Assembly Bill 154

Relating to registration fees for trailers used in the transportation of liquid dairy products.

Concurrence:

Ayes, 5 — Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Assembly Bill 537

Relating to the transfer of ownership of motor vehicles, vehicle mileage disclosure requirements, vehicle titles and registrations, granting rule-making authority and providing penalties.

Concurrence:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Senate Bill 368

Relating to parking reserved for vehicles used by physically disabled persons and providing a penalty.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.
Passage as amended:
Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Senate Bill 447

Relating to permanent semitrailer registration of certain leased semitrailers.

Passage:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Senate Bill 471

Relating to the authority of a city, village or town to limit or monitor access to certain streets for safety purposes.

Passage:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Senate Bill 477

Relating to applications of persons under 18 years of age for licenses issued by the department of transportation.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.
Passage as amended:
Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Assembly Bill 66

Relating to annual or consecutive month permits for 3-vehicle combinations.

Concurrence:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien,
Andrea and Clausing;
Noes, 0 -- None.

Alan J. Lasee
Chair

The committee on Health, Human Services and Aging reports and recommends:

Senate Bill 129

Relating to requiring alcohol beverage retailers to display warning signs of the risk of birth defects to pregnant women who drink alcohol beverages and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 4 -- Senators Buettner, Rude, Rosenzweig
and Moore;
Noes, 3 -- Senators Lorman, Moen and Breske.
Passage as amended:
Ayes, 3 -- Senators Buettner, Rosenzweig and
Moore;
Noes, 4 -- Senators Lorman, Rude, Moen and
Breske.

Senate Bill 374

Relating to admission of certain individuals from hospitals to nursing homes or community-based residential facilities.

Introduction and adoption of Senate amendment 1:

Ayes, 7 -- Senators Buettner, Lorman, Rude,
Rosenzweig, Moen, Breske and Moore;
Noes, 0 -- None.
Passage as amended:
Ayes, 7 -- Senators Buettner, Lorman, Rude,
Rosenzweig, Moen, Breske and Moore;
Noes, 0 -- None.

Senate Bill 417

Relating to a grant to a health center for renovations and making an appropriation.

Passage:

Ayes, 7 -- Senators Buettner, Lorman, Rude,
Rosenzweig, Moen, Breske and Moore;
Noes, 0 -- None.

Senate Bill 427

Relating to preadmission screening and resident review for and relocation from institutions for mental diseases and granting rule-making authority.

Passage:

Ayes, 7 -- Senators Buettner, Lorman, Rude,
Rosenzweig, Moen, Breske and Moore;
Noes, 0 -- None.

Senate Bill 434

Relating to changing the definition of a community-based residential facility.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 7 -- Senators Buettner, Lorman, Rude,
Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Passage as amended:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Senate Bill 463

Relating to governance of the county hospital and related entities in Milwaukee county.

Passage:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Senate Bill 511

Relating to local health officers of villages and towns in certain counties.

Passage:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Senate Joint Resolution 31

Relating to urging the Congress and the President of the United States to consider approving the minting and distribution of a National Organ Donors' Medal honoring those who have donated organs for transplantation.

Adoption:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Assembly Bill 401

Relating to county and tribal reporting of recoveries of public assistance benefits.

Concurrence:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Assembly Bill 566

Relating to requirements for applicants for a speech-language pathologist license.

Concurrence:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

BAKKER, DORIS L., of Neilsville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 1998.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

BANGEN, LANCE, of Wauwatosa, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1994.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

BOHREN, JAMES A., of Sheboygan, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

CHRISTIANSEN, GEORGE F., of West Salem, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

DINKEL, CHARLES, of Oshkosh, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

FASCHING, WILLIAM F., of Viroqua, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

GREENWALD, JAMES L., of Prairie du Chien, as a member of the Chiropratic Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

LAWRENCE, BETTYE J., of Madison, as a member of the Chiropratic Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

MOORE, CHARLES M., of Sparta, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

STRAMA, DALE J., of Medford, as a member of the Chiropratic Examining Board, to serve for the term ending July 1, 1997.

Confirmation:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Carol A. Buettner

Chair

The Chair, with unanimous consent, asked that the Senate return to the third order of business.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 547

Relating to dispute settlement procedures in local government employment other than law enforcement and fire fighting employment.

By Senator Leean; cosponsored by Representative Kunicki.

To joint committee on Finance.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 548

Relating to: gangs; crime; children; controlled substances; law enforcement; substitution of judge; juvenile court jurisdiction, procedures, powers and duties; programs to prevent delinquency; programs to supervise and rehabilitate delinquent children; creating a gang violence prevention council; establishing a task force on improving services to children and families; granting bonding authority; granting rule-making authority; making an appropriation; and providing a penalty.

Introduction:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Cogs, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Joseph Leean

Co-chair

Barbara J. Linton

Co-chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Transportation

October 19, 1993

To the Honorable the Legislature:

This report required by s. 343.025, Stats., is enclosed.

This report for 1992 shows the number of persons age 65 and older who were given the explanatory materials for PartnerCare. Everyone age 65 and older applying for an

original driver license or identification card at our Division of Motor Vehicles customer service centers received an explanatory leaflet. The leaflet was enclosed with driver license and identification card renewal notices for part of the year.

The PartnerCare information is printed on one side of the leaflet and child passenger information is printed on the other side. A copy of the leaflet is enclosed.

Sincerely,

Charles H. Thompson

Secretary

State of Wisconsin
Claims Board

October 18, 1993

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on September 23, 1993.

The amounts recommended for payment under \$2000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$2,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

Edward D. Main

Secretary

STATE OF WISCONSIN
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on September 23, 1993, upon the following claims:

Claimant	Amount
Richard Kosup	60,000.00
Agnes Jakob	25,000.00
Ilija Potkonjak	183.52
Don Miller Pontiac Subaru	1,237.23
Darla LeGrave	145.46
David Bruns	2,489.00
Waldemar and Audrey Mades	970.00
Floyd and Mary Johnson	49,590.85
John Urschler	816.80

In addition, the following claims were considered and decided without hearings:

Bernice Bosser	2,024.74
Merton Swanson	231.95
Ameritech Advanced Data Services	2,180.00
Harvey Lipp	3,601.15
Burton Stevens	985.00
Chris Guilette	658.56
Michael Yates	99.00
Richard Petran	250.00
Daniel Ojibway	157.00
John Ourada	59.00
Rick Cascadden	782.46
Karen Torvell	5,063.22
Dan Kaemmerer	55.50
William Miller	397.93
David Theder	698.94
Greg Young	86.00
Dennis Mangless	158.26
Steven Millett	201.20
Gary Kent-Bracken	1,080.62

THE BOARD FINDS:

1. Richard Kosup of Sheboygan Falls, Wisconsin, claims \$60,000.00 for loss of business and expenses allegedly resulting from the road construction on Highway 32 during Jly through November, 1990. During the road construction, claimant alleges access to his business was extremely difficult and treacherous, and at times nonexistent, resulting in a substantial decline in revenue, including lost rental and attorney fees. In addition, claimant alleges that construction vehicles and equipment were parked on his property without his permission during the construction. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

2. Agnes Jakob of Milwaukee, Wisconsin, claims \$25,000.00 as an additional amount she allegedly won during her appearance on the Wisconsin Lottery Money Game Show on February 15, 1991. During that show, claimant participated in the Bonus Round with a chance to win an additional \$25,000 or \$50,000 cash prize. The written procedures for the Money Game Show require that the Bonus Wheel complete two full revolutions in a clockwise direction, verified by the Drawing Manager. Claimant moved the wheel one segment in a counter clockwise direction before spinning the wheel in a clockwise direction, and it stopped at the \$50,000 mark. Claimant was advised by Lottery officials that the wheel did not complete two full revolutions and she was instructed to spin the wheel a second time. On claimant's second spin, the wheel stopped on the \$25,000 mark. Claimant alleges the starting point of her spin should have been the position of the pointer when she began to spin the wheel and not the segment at which the wheel rested before she touched the wheel. The Board

concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Iijja Potkonjak of Wauwatosa, Wisconsin, claims \$183.52 for damages to his vehicle allegedly incurred on January 22, 1993, while he was driving in the parking lot at the Wisconsin State Fair Park. Claimant was driving from gravel onto a paved portion of the parking lot when he hit a large, unmarked hole, damaging the fog lights on his vehicle. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the State Fair Park appropriation s. 20.190(1)(h), Stats.

4. Don Miller Pontiac Subaru of Madison, Wisconsin, claims \$1,237.23 for the cost of washing 172 vehicles allegedly covered by an ash material discharged from the Capitol Heat and Power Plant on January 18, 1993, and for the cost of analysis of the ash by an environmental engineering firm. The Capitol Heat and Power Plant did have a tube failure that resulted in a discharge of ash into the air on January 18, 1993. The Board concludes the claim should be paid in the reduced amount of \$516.00, for the cost of washing the vehicles, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration appropriation s. 20.505(5)(ka), Stats. (Members Wilker and Main not participating.)

5. Darla LeGrave of St. Francis, Wisconsin, claims \$1145.46 for replacement of two vehicle tires. Claimant alleges one of her vehicle tires was damaged on November 8, 1992, while her vehicle was parked in the lot at the Waukesha State Office Building, where she is employed. After claimant drove out of the parking lot, she noticed her car was driving poorly. When claimant checked her vehicle, she discovered the right rear tire was collapsed and by the time she drove to a nearby parking lot, the tire was in shreds. Claimant replaced the tire and also purchased a second tire at the recommendation of the service manager. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Main not participating.)

6. David Bruns of Madison, Wisconsin, claims \$2,489.00 for a 1991 income tax refund withheld by the Department of Revenue for an estimated assessment issued for failure to file a 1989 withholding tax report. Claimant alleges that he was not aware of the requirement to file the report until mid-1992. Claimant filed the return with the Department of Revenue on February 1, 1993, and the actual amount owed was \$114.00. The Board concludes the claim should be paid in the reduced amount of \$1,000, based on equitable

principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Claims board appropriation s. 20.505(4)(d), Stats.

7. Waldemar and Audrey Mades of Mindoro, Wisconsin, claim \$970.00 for their 1990 Farmland Tax Relief Credit denied by the Department of Revenue for failure to file their claim by the statutory deadline. Claimants erroneously assumed that their tax preparer had filed their 1990 income tax return. Claimants mailed their 1990 Wisconsin income tax return on January 10, 1992, as soon as they discovered that it had not been filed. The Department of Revenue denied the credit because the claim was not filed within 12 months following the close the taxable year in which the property taxes accrued, by December 31, 1991. The Board concludes the claim should be paid, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

8. Floyd and Mary Johnson of Milwaukee, Wisconsin, claim \$49,590.85 for refund of taxes, plus interest, assessed by the Department of Revenue for failure to file tax returns for 1985, 1986, 1987 and 1988. The Department of Revenue collected \$58,888.80 in taxes, \$2,457.00 in interest, and \$43 in fees from claimants as a result of the assessments. Due to his chronic alcoholism, Floyd Johnson usually paid the Department of Revenue assessments upon receipt. He was unable to immediately pay the assessments of \$12,314.00 and \$31,659.30, and interest was charged on those amounts. He also did not pay the last assessment in February, 1991. The Department of Revenue subsequently filed a warrant against claimants' home and the Department of Revenue was paid when the house was sold in February, 1992. The Department of Revenue has received claimants' income tax returns for 1985 through 1988 and it appears that the actual amount of taxes due from claimants is \$11,798.00. Claimants allege the Department of Revenue's assessments were unreasonably excessive based on their past taxable income. The Board recommends the claim be paid in the reduced amount of \$24,795.42 to Mary Johnson, based on equitable principles. The board further recommends, under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

9. John Urschler of West Allis, Wisconsin, claims \$816.80 for refund of taxes withheld during 1987. On January 29, 1990, the Department of Revenue issued an estimated assessment to claimant for failure to file a 1987 income tax return. Claimant appealed the assessment on February 13, 1990. The Department of Revenue denied the appeal on April 16, 1991, claimant's 1990 income tax refund in the amount of \$220.00 was withheld by the Department of Revenue and applied to the assessment. During 1991, the Department of Revenue also garnisheed \$1,569.20 from claimant's wages. On March 9, 1993, claimant filed his 1987 tax return indicating a tax liability of \$1,222.00. The Board concludes the claim

should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriations s. 20.505(4)(d), Stats.

10. Bernice Bosser of Menomonee Falls, Wisconsin claims \$2,024.74 for loss of retirement benefits in June and July 1992. Claimant alleges she mailed her State Teachers Retirement application to the Department of Employee Trust Funds on April 30, 1992. On October 21, 1992, claimant contacted the Department of Employee Trust Funds to inquire why she had not received any annuity checks. The Department of Employee Trust Funds advised claimant that they had not received her retirement application. On October 26, 1992, the Department of Employee Trust Funds sent claimant an application form and informed her the earliest effective date for her annuity would be August 1, 1992, provided her application was received by October 30, 1992. On October 28, 1992, claimant filed a retirement application with the Department of Employee Trust Funds, and she was advised that the effective date of her annuity would be August 1, 1992. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

11. Merton Swanson of New Auburn, Wisconsin, claims \$231.95 for replacement of the vacuum pump motor in his milk house, mileage costs and milking delay costs allegedly incurred during the inspection of his dairy farm on February 11, 1993, by the Department of Agriculture, Trade and Consumer Protection (DATCP) Division of Food Safety. Claimant alleges that during the inspection, the DATCP Inspector incorrectly reassembled his milk pipe line, resulting in a milk leakage which damaged the motor. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Agriculture, Trade and Consumer Protection appropriation s. 20.115(1)(a), Stats.

12. Ameritech Advanced Data Services of Chicago, Illinois, claims \$2,180.00 for overpayment to the Secretary of State's office allegedly due to an error on its 1992 application for Certificate of Authority for a Foreign Business Corporation. When the application was filed, the value of issued shares of par value stock was inaccurately estimated, resulting in an overpayment of the franchise tax. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

13. Harvey Lipp of Waukesha, Wisconsin, claims \$3,601.15 for a tax refund withheld and amounts garnisheed from his wages for an estimated assessment

issued by the Department of Revenue on March 25, 1985, for failure to file income tax returns for 1980, 1981 and 1983. On October 24, 1988, claimant was living outside of Wisconsin and the Department of Revenue referred the delinquent tax warrant to an out-of-state collection agency. Claimant admits he was contacted by a collection agency, but thought the issue was resolved because the collection agency did not pursue it. On June 5, 1992, the Department of Revenue identified a Wisconsin employer for claimant and began garnisheeing his wages. On June 22, 1992, claimant's 1991 income tax return was withheld by the Department of Revenue. Claimant filed his 1981 income tax return on December 17, 1992 and his 1983 income tax return on March 17, 1993. Based on those returns, the Department of Revenue adjusted the assessment to reflect no additional tax due. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

14. Burton Stevens of Racine, Wisconsin, claims \$985.00 for moving expenses incurred when he promoted from Officer 1 at the Green Bay Correctional Institution to Officer 3 at the Racine Correctional Institution in May, 1992. Claimant alleges the Racine Correctional Institution did not properly inform him of the procedures to follow to obtain reimbursement for his move. The Department of Corrections denied claimant's moving expenses because the mover he hired did not have a licensed carrier number as required by the Department of Corrections' Supervisor's Manual. The Board concludes the claim should be paid in the reduced amount of \$500.00, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Corrections appropriation s. 20410(1)(a), Stats.

15. Chris Guilette of Madison, Wisconsin, claims \$658.56 for the cost of repairing his vehicle allegedly damaged by a window that fell from the Elkhorn Armory Building on June 13, 1992. The window had a broken hinge and when it was opened, it fell onto claimant's parked vehicle, causing damage to the hood and fenders. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Wisconsin National Guard appropriation s. 20.456(1)(a), Stats.

16. Michael Yates of Racine, Wisconsin, claims \$99.00 for the cost of repairing his camera allegedly damaged on April 11, 1992, while he was photographing a project for the Department of Development, Division of Tourism. The camera was accidentally bumped by a person passing in front of claimant, resulting in damage to the camera's flash attachment bracket. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority

of s. 16.007(6m), Stats., payment should be made from the Department of Development appropriation s. 20.143(2)(a), Stats.

17. Richard Petran of Madison, Wisconsin, claims \$250.00 for uninsured damages to his vehicle allegedly incurred on March 15, 1993, while the vehicle was parked in a private attendant-operated parking garage in Chicago. Claimant was attending a meeting in Chicago as part of his duties as a securities analyst for the Wisconsin Investment Board. Claimant received \$248.50 from his insurance company for the damages to his vehicle. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

18. Daniel Ojibway of Eau Claire, Wisconsin, claims \$157.00 for the cost of repairing his vehicle allegedly damaged when he attempted to jump start his supervisor's state vehicle. Claimant is employed by the Department of Transportation. On February 24, 1993, claimant's supervisor was unable to start her state vehicle and she requested claimant to take the car to the dealer for examination. Claimant used his own vehicle to try and jump start the state vehicle, resulting in damages to the starter and wiring in his vehicle. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Burczyk dissenting.)

19. John Ourada of Merrill, Wisconsin, claims \$59.00 for replacement of his shoes allegedly stolen from a locked equipment room at the Lincoln Hills School, where he is employed. Claimant placed the shoes in the School's equipment room on February 19, 1993 and he discovered the shoes were missing on Monday, February 22, 1993. It was subsequently determined that the shoes had been taken by a youth who had been released from Lincoln Hills School. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(2)(gk), Stats.

20. Rick Cascadden of Chippewa Falls, Wisconsin, claims \$782.46 for the cost of repairing his vehicle allegedly damaged on April 19, 1993, while it was parked at the Northern Wisconsin Center, where he is employed. A resident of the Center admitted damaging claimant's vehicle. The Board concludes the claim should be paid in the reduced amount of \$50.00, the amount of claimant's insurance deductible, based on equitable principles. The board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health and Social Services appropriation s. 20.435(2)(gk), Stats.

21. Kaen Torvell of Madison, Wisconsin, claims \$5,063.22 for expenses allegedly incurred when she was not properly informed that she was eligible for state health insurance. During 1990 and 1991, claimant was employed as a limited term employe (LTE) by the Department of Natural Resources and the Department of Administration. After that, claimant worked as a full-time LTE in the Department of Administration until October, 1991. In 1992, claimant was hired as a full-time LTE with the Department of Natural Resources. The Department of Natural Resources incorrectly assumed that claimant had been a permanent employe with the Department of Administration, and that agency had provided her with health insurance information. If claimant's status had been correctly ascertained when she was rehired, she would have been first eligible for health insurance benefits on August 1, 1993. The Board concludes that claim should be paid in the reduced amount of \$163.68, the amount claimant paid for health insurance during the time she would have been eligible for coverage if the error had not occurred, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(2)(ma), Stats.

22. Dan Kaemmerer of Milwaukee, Wisconsin, claims \$55.00 for uninsured towing costs allegedly incurred when his vehicle lost all power while he was driving on I-94 in Kenosha County on March 10, 1993. Claimant is employed by the Department of Natural Resources and was using his personal vehicle to attend a work-related meeting. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

23. William Miller of Friendship, Wisconsin, claims \$397.93 for replacement of equipment allegedly lost while he was working as a Department of Natural Resource Conservation Warden on January 1, 1993. Claimant was engaged in snowmobile and fishing enforcement activities when the vehicle he was driving broke through the ice on Lake Sherwood. As a result, claimant lost his spotting scope, tape recorder and CB radio equipment. The Board concludes the claim should be paid, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

24. David Theder of Watertown, Wisconsin, claims \$698.94 for the cost of repairing his outboard motor allegedly damaged by a Department of Natural Resources conservation warden on July 5, 1992. While the warden was checking compliance with fishing and boating regulations, his patrol boat accidentally collided with claimant's boat during heavy wind and wave conditions on Lake Winnebago. The board concludes the claim should be paid based on equitable principles.

The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370.(2)(mu), Stats.

25. Greg Young of Eau Claire, Wisconsin, claims \$86.00 for damages to his bicycle allegedly incurred while he was riding on Tuscobia State Trail on May 31, 1993. The damage occurred when claimant ran into some barbed wire fence on the trail. Section 895.52, Stats., limits liability for damages resulting from the use of state-owned recreational facilities under these circumstances in the absence of the absence of the showing of a malicious act or malicious failure to warn of a known unsafe condition. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

26. Dennis Mangless of Milwaukee, Wisconsin, claims 158.26 for the cost of repairing his car windows allegedly damaged by vandalism on April 28 and June 23, 1993, while his vehicle was parked overnight at the Milwaukee State Office Building, where he is employed as a Probation and Parole Agent. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

27. Steve Millett of Madison, Wisconsin claims \$201.20 for replacing his text books allegedly damaged in July, 1993, by water leaking from the ceiling of Russell Labs on the University of Wisconsin-Madison campus, where he is employes as a research assistant. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285.(1)(m), Stats.

28. Gary Kent-Bracken of Waunakee, Wisconsin, claims \$81,080.62 for attorney fees incurred during his appearance before the Wisconsin Gaming Commission on January 13, 1993. Claimant was previously employed by the Wisconsin Lottery and was subpoenaed by the Gaming Commission regarding an internal investigation of the use of lottery funds by that agency. At the time he was subpoenaed, claimant was employed by the Department of Natural Resources. On January 11, 1993, the Department of Natural Resources requested legal representation for claimant pursuant to s. 165.25(6m), Stats. The Department of Justice declined to represent claimant due to possible law enforcement matters resulting from the Gaming Commission. The Board concludes there has been an insufficient showing of negligence on the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay

based on equitable principles. (Member Burczyk not participating; Members Leean and Wilker dissenting).

THE BOARD CONCLUDES:

1. The claims of the following claimants should be denied:

- Richard Kosup
- Agnes Jakob
- Darla Le Grave
- Bernice Bosser
- Ameritech Advanced Data
- Harvey Lipp
- Richard Petran
- Daniel Ojibway
- Dan Kaemmerer
- Greg Young
- Dennis Mangless
- Gary Kent-Bracken

2. Payment of the following amounts to the following claimants is justified under s. 16.007, Stats.

Ilija Potknojak	\$183.52
Don Miller Pontiac Subaru	\$516.00
David Bruns	\$1,000.00
Waldemar and Audrey Mades	\$970.00
John Urschler	\$816.80
Merton Swanson	\$231.95
Burton Stevens	\$500.00
Chris Guilette	\$658.56
Michael Yates	\$99.00
John Ourada	\$59.00
Rick Cascadden	\$50.00
Karen Torvell	\$163.68
William Miller	\$397.93
David Theder	\$698.94
Steve Millett	\$201.20

THE BOARD RECOMMENDS:

1. Payment of \$24,795.42 to Mary Johnson for reimbursement of taxes collected by the Department of Revenue for assessments issued for failure to file income tax returns for 1985, 1986, 1987 and 1988.

Dated at Madison, Wisconsin this 14th day of October, 1993.

Joseph Leean
Senate Finance Committee

Barbara J. Linton
Assembly Finance Committee

John Burczyk
Representative of Governor

Edward D. Main
Representative of Secretary of Administration

William H. Wilker
Representative of Attorney General

State of Wisconsin
Senator Ellis

October 21, 1993

To the Honorable the Senate:

Pursuant to Sec. 15.107(11)(b)5, Wisconsin Statutes, I am appointing Senator Petak to a two year term on the Women's Council and Senator Darling to a one year term on the Women's Council.

Sincerely,
Michael G. Ellis
Senate Majority Leader

Senate Petition 10

A petition by 244 residents of the State of Wisconsin in support of reviewing and changing adoption laws to secure the child's rights and to protect the adoptive parents.

By Senator Rude.

Read and referred to committee on Health, Human Services and Aging.

Senator Moen, with unanimous consent, asked that the Senate recess until 11:49 A.M..

10:29 A.M.

RECESS

11:49 A.M.

The Senate reconvened.

RULING OF THE CHAIR

On Thursday, October 21, 1993, the Senator from the 17th, Senator Schultz raised the point of order that Senate Amendment 3 to **Senate Bill 391** was non-germane. The Chair took the point of order under advisement.

Senate Bill 391, as introduced, redefines TIF project costs to include environmental remediation. Also, the bill provides for an increase in the total equalized value a municipality may include in the district and extends the time period to incur costs and the time in which these costs are to be paid and finally directs the assessor to take into consideration any impairment to the value of property because of environmental pollution.

Senate Amendment 1, which was adopted, deleted the portions of the bill related to increasing the equalized value and extending of the time limits to incur costs and pay them.

Senate Amendment 3, provides for a planning commission to amend the project plan of a district to allow for the utilization of the tax increments generated by a district to be allocated for the purpose of environmental remediation to another district.

If one looks at the language of the bill to determine the purpose of the bill, it is clear that the original purpose was to allow for a redefinition of TIF Project Costs to include environmental remediation and to expand the life of a district and the amount of indebtedness for environmental remediation. Nowhere in the bill does it speak of tax increments or sharing of costs between districts. This clearly would accomplish a different purpose than originally intended.

Furthermore, with the adoption of Senate Amendment 1, the bill now relates solely to redefining "project costs" to include environmental remediation and to allowing the property assessor to take into consideration any impairment to the value of property because of environmental pollution.

Senate Rule 50(1) reads in part: "nor shall the Senate consider any substitute or amendment which relates to a different subject, is intended to accomplish a different purpose, would require a title essentially different or would totally alter the nature of the original proposal".

Also, Senate Rule 50(7) reads as follows: A substitute or amendment relating to a specific subject or to a general class is not germane to a bill relating to a different specific subject, but an amendment limiting the scope of the proposal is germane.

Section 402(3) of Mason's Manual of Legislative Procedure reads in part as follows: To be germane, the amendment is required only to relate to the same subject.

Senate Amendment 3 brings forward a new subject, the utilization of "tax increments" and moving them from one district to another.

It is therefore the opinion of the Chair that the point of order raised by the Senator from the 17th, Senator Schultz is well taken and the amendment is non-germane.

Brian D. Rude
President of the Senate

Senator Burke appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leman, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Potter, Risser and Wineke — 15.

Absent or not voting — Senator Plewa — 1.

So the ruling of the Chair stands as the judgment of the Senate.

Senate Bill 391

Relating to allowing tax incremental financing project costs to be used for environmental remediation.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 4?

Senator Andrea, with unanimous consent, asked that Senate amendment 4 be returned to the author.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 391

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leman, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden and Zien — 30.

Noes — Senators Adelman and Wineke — 2.

Absent or not voting — Senator Plewa — 1.

Passed.

EXECUTIVE COMMUNICATIONS

CALENDAR OF TUESDAY, OCTOBER 26, 1993

MACNEIL, VIRGINIA R., of Bayside, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2000.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leman, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden and Zien — 28.

Noes — Senators Burke, Chvala, Clausing and Wineke — 4.

Absent or not voting — Senator Plewa — 1.

Confirmed.

ORR, SAN W., JR., of Wausau, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2000.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Llean, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 32.

Noes — None.

Absent or not voting — Senator Plewa — 1.

Confirmed.

TREGONING, JOSHUA E., of Whitewater, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 1995.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Llean, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 30.

Noes — Senators Burke and Chvala — 2.

Absent or not voting — Senator Plewa — 1.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 93-109

Relating to public librarian certification.

Submitted by Department of Public Instruction.

Report received from agency, October 25, 1993.

Referred to committee on Education, October 26, 1993.

Senate Clearinghouse Rule 93-130

Relating to prior review by the department of health and social services of the capital expenditures of hospitals, ambulatory surgery centers, other acute care facilities and home health agencies.

Submitted by Department of Health and Social Services.

Report received from agency, October 25, 1993.

Referred to committee on Health, Human Services and Aging, October 26, 1993.

Senate Clearinghouse Rule 93-139

Relating to application fees for individuals applying for temporary licenses and permits and the renewal of certificates of licensure of hearing instrument specialists, speech-language pathologists and audiologists.

Submitted by Department of Regulation and Licensing.

Report received from agency, October 21, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, October 26, 1993.

Senate Clearinghouse Rule 93-152

Relating to the new United States medical licensing examination as the board's licensing examination.

Submitted by Department of Regulation and Licensing.

Report received from agency, October 25, 1993.

Referred to committee on Health, Human Services and Aging, October 26, 1993.

Senate Clearinghouse Rule 93-157

Relating to the veterans' consumer loan program.

Submitted by Department of Veterans Affairs.

Report received from agency, October 22, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, October 26, 1993.

Senate Clearinghouse Rule 89-94

Relating to medical necessity reviews under the medical assistance program of hospital inpatient admissions and stays that are for psychiatric care or for alcohol abuse or other drug abuse services.

Submitted by Department of Health and Social Services.

Withdrawn by agency, October 22, 1993.

The committee on State Government Operations and Corrections reports and recommends:

Senate Clearinghouse Rule 93-108

Relating to the Wisconsin income tax status of interest and dividends from securities.

No action taken.

Gary Drzewiecki
Chair

Senator Buettner, with unanimous consent, asked that she be listed as a co-author of **Senate Bill 25**.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

MESSAGE FROM THE ASSEMBLY

By Thomas F. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 133
Assembly Bill 595
Assembly Bill 608

Adopted and asks concurrence in:

Assembly Joint Resolution 81

Concurred in:

Senate Joint Resolution 34
Senate Joint Resolution 39
Senate Bill 267
Senate Bill 503
Senate Bill 504
Senate Bill 505
Senate Bill 506
Senate Bill 507

Amended and concurred in as amended:

Senate Bill 186, Assembly amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 133

Relating to the conversion of lands that are entered on the tax roll as forest croplands to lands that are entered on the tax roll as managed forest lands.

By Representatives Ainsworth, Johnsrud, Musser, Ott, Lorge, Albers, Turner and Holperin, cosponsored by Senator Schultz.

Read first time and referred to committee on State Government Operations and Corrections.

Assembly Bill 595

Relating to prohibiting joint ownership, operation or financial interests of funeral establishments and cemeteries.

By Representatives Krusick, Kunicki, Goetsch, Lehman, Freese, Bell, Riley, Stower, Hasenohrl, Linton, Lorge, Ladwig, Plache, Albers, Baldus, Baldwin, Boyle, Brandemuehl, Coggs, Cullen, Dobyms, Gard, Grobtschmidt, Gronemus, Hahn, Holperin, Hubler, Johnsrud, Kaufert, Kreibich, Musser, Nass, Ourada, Schneider, Seratti, Travis, Vander Loop, L. Young, Rutkowski, Owens, Panzer, Jensen, Brancel and Reynolds, cosponsored by Senators Leean, Ellis, Wineke, Buettner, Jauch, Darling, Lorman, Burke, Weeden, Schultz, Rude, Plewa, Moore, Petak, Moen, George, Clausing, Andrea and Breske.

Read first time and referred to committee on Business, Economic Development and Urban Affairs.

Assembly Bill 608

Relating to the duties of the state capitol and executive residence board, creating a state capitol restoration fund and making an appropriation.

By Representatives Duff, Schneiders, Carpenter, Holperin, Urban, Musser, Ward, Hanson, Klusman, Springer, Lehman, La Fave, Dobyms, Ourada, Silbaugh, Lazich, Vrakas, Ladwig, Freese, Lorge and Owens, cosponsored by Senators Rude, Lasee, Huelsman, Clausing, Rosenzweig, Darling, Buettner and Farrow.

Read first time and referred to committee on Financial Institutions and Cultural Affairs.

Assembly Joint Resolution 81

Relating to permitting a judge to assume a nonjudicial office of public trust after resigning during the term of the judicial office (first consideration).

By Representatives Jensen, Baldwin, Deininger, Ziegelbauer, Hahn, Coleman, Hasenohrl, Nass, Lehman, Goetsch, Duff, Cullen, Porter, Underheim, Walker, Baldus, Schneiders, Huber, Turner, Ladwig, Albers, Musser, Green, La Fave, Stower and Seratti, cosponsored by Senators Huelsman, Risser, Darling, Zien, Buettner, Breske, Plewa, Moore and Lorman.

Read first time and referred to committee on Judiciary and Insurance.

CALENDAR OF TUESDAY, OCTOBER 26, 1993

Senate Bill 25

Relating to permitting persons designated by school boards to take truants into custody.

Read.

The question was: Concurrence in Assembly substitute amendment 1?

Concurred in.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Bill 66

Relating to changes in the law enforcement officers' bill of rights and the applicability of collective bargaining dispute and disciplinary procedures affecting certain local governmental employees.

Read a second time.

Senator Farrow, with unanimous consent, asked that **Senate Bill 66** be placed at the foot of the days calendar.

Senate Bill 80

An act relating to creating a committee to study the feasibility of establishing a regional high school of excellence and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 2?
Adopted.

The question was: Adoption of Senate amendment 3?
Adopted.

Senator Ellis, with unanimous consent, asked that **Senate Bill 80** be placed at the foot of the days calendar.

Senate Bill 89

Relating to assessment periods for certain pupils, high school graduation requirements, alternative education program teacher licensure, education for employment programs and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 89

Read a third time and passed.

Senate Bill 104

Relating to sexual crimes against children and providing a penalty.

Read a second time.

Senate amendment 1 to **Senate Bill 104** offered by Senator Buettner.

The question was: Adoption of Senate amendment 1?
Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 104

Read a third time and passed.

Senate Bill 106

Relating to ozone-depleting substances, regulation of the installation and servicing of heating, ventilating and air conditioning equipment, granting rule-making authority, providing penalties and making appropriations.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1?
Adopted.

The question was: Adoption of Senate substitute amendment 1?
Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 106

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasec, Leraan, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 32.

Noes — None.

Absent or not voting — Senator Plewa — 1.

Passed.

Senate Bill 200

Relating to general relief benefits, eligibility, procedures and reimbursements.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 200** be placed at the foot of the days calendar.

Senate Bill 259

Relating to discontinuing the property tax exemption for certain marketing research computers.

Read a second time.

Senator Leraan, with unanimous consent, asked that **Senate Bill 259** be referred to the joint committee on Finance.

Senator Leraan, with unanimous consent, asked that **Senate Bill 259** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 259

Read a third time and passed.

Senate Bill 270

Relating to disposal of personal property left by a tenant.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 270

Read a third time and passed.

Senate Bill 287

Relating to requiring full legal descriptions on real estate documents submitted for filing or recording.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?
Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 287

Read a third time and passed.

Senate Bill 308

Relating to sexual assault and providing penalties.

Read a second time. —

Senate amendment 1 to **Senate Bill 308** offered by Senator Helbach.

The question was: Adoption of Senate amendment 1?

Senator Weeden raised the point of order that Senate amendment 1 to **Senate Bill 308** is not germane.

The Chair ruled the point well taken.

Senate amendment 2 to **Senate Bill 308** offered by Senator Adelman.

The question was: Adoption of Senate amendment 2?

Senator Weeden moved rejection of Senate amendment 2.

The question was: Rejection of Senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 20.

Noes — Senators Adelman, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Risser and Wineke — 12.

Absent or not voting — Senator Plewa — 1.

Rejected.

Senate amendment 3 to **Senate Bill 308** offered by Senator Helbach.

The question was: Adoption of Senate amendment 3?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 308

Read a third time and passed.

Senate Bill 354

Relating to prohibiting joint ownership, operation or financial interests of funeral establishments and cemeteries.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Leean, with unanimous consent, asked that **Assembly Bill 595** be withdrawn from committee on Business, Economic Development and Urban Affairs and taken up.

Assembly Bill 595

Relating to prohibiting joint ownership, operation or financial interests of funeral establishments and cemeteries.

Read a second time.

Senator Huelsman moved that **Assembly Bill 595** be laid on the table.

The question was: Shall **Assembly Bill 595** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 5; noes, 27; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Chvala, Decker, Drzewiecki and Huelsman — 5.

Noes — Senators Andrea, Breske, Buettner, Burke, Clausing, Cowles, Darling, Ellis, Farrow, George, Helbach, Jauch, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 27.

Absent or not voting — Senator Plewa — 1.

Tabling refused.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 595

Read a third time and concurred in.

Senator Ellis, with unanimous consent, asked that **Senate Bill 354** be laid on the table.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

Senator Ellis, with unanimous consent, asked that **Senate Bill 66** be taken up.

Senate Bill 66

Relating to changes in the law enforcement officers' bill of rights and the applicability of collective bargaining dispute and disciplinary procedures affecting certain local governmental employees.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Petak, with unanimous consent, asked that he be listed as a co-author **Senate Bill 66**.

Senator Zien, with unanimous consent, asked that he be listed as a co-author **Senate Bill 66**.

Senator Drzewiecki, with unanimous consent, asked that he be listed as a co-author **Senate Bill 66**.

Senator Petak, with unanimous consent, asked that he be listed as a co-sponsor **Assembly Bill 220**.

Senator Ellis, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 66** be laid on the table.

Senate substitute amendment 2 to **Senate Bill 66** offered by Senators Zien, Andrea, Breske, Petak, Wineke, Cowles, Rosenzweig, Decker, Ellis and Drzewiecki.

The question was: Adoption of Senate substitute amendment 2?

Senator Ellis, with unanimous consent, asked that **Senate Bill 66** be placed at the foot of the days calendar.

Senate Bill 358

Relating to limitations of actions regarding professional accounting services.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 358** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1?

Senator Risser raised the point of order that Senate substitute amendment 1 to **Senate Bill 358** is not germane.

The Chair took the point of order under advisement.

Senate Bill 369

Relating to a uniform interstate family support act.

Read a second time.

The question was: Adoption of Senate amendment 1? Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 369

Read a third time and passed.

Senate Bill 453

An act relating to the historical society museum of the state historical society and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1? Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 453

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lekan, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 31.

Noes — Senator Lasee — 1.

Absent or not voting — Senator Plewa — 1.

Passed.

Senate Bill 487

Relating to creating the office of the commissioner of railroads, transferring railroad regulation from the public service commission to the office of the commissioner of railroads, granting rule-making authority and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 487

Read a third time.

CHAIR

2:51 P.M.

Senator Lasee in the Chair.

The question was: Passage of **Senate Bill 487**?

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, George, Helbach, Jauch, Lasee, Lekan, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 29.

Noes — Senators Adelman, Farrow and Huelsman — 3.

Absent or not voting — Senator Plewa — 1.

Passed.

Senator Ellis, with unanimous consent, asked that **Senate Bill 66** be taken up.

Senate Bill 66

Relating to changes in the law enforcement officers' bill of rights and the applicability of collective bargaining dispute and disciplinary procedures affecting certain local governmental employes.

Read a second time.

Senator Leraan, with unanimous consent, asked that all action be ordered immediately messaged.

The question was: Adoption of Senate substitute amendment 2?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 66

Read a third time and passed.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 28

Relating to confinement of county jail prisoners in tribal jails.

Read a second time.

Ordered to a third reading.

Senator Cowles, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 28

Read a third time and concurred in.

Assembly Bill 129

Relating to charges for insufficient checks, detention of persons involved in retail theft, increasing the damages and fees allowed in retail theft and worthless check civil actions and allowing civil actions against any individual 14 years of age or older or the minor's parents for retail theft.

Read a second time.

Senate amendments 1, 2, 3 and 4 to **Assembly Bill 129** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1?

Senator Risser, with unanimous consent, asked that **Assembly Bill 129** be placed at the foot of the days calendar.

Assembly Bill 172

Relating to the regulation of physical therapists by the department of regulation and licensing, abolishing the physical therapists examining council, creating a physical therapists examining board, granting rule-making authority and providing a penalty.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 172** offered by Senators Rude and Breske.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1?

Senator Leraan, with unanimous consent, asked that **Assembly Bill 172** be referred to the joint committee on Finance.

Senator Leraan, with unanimous consent, asked that **Assembly Bill 172** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1?

Adopted.

The question was: Adoption of Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Wineke and Zien — 30.

Noes — Senators Adelman and Weeden — 2.

Absent or not voting — Senator Plewa — 1.

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 172

Read a third time and concurred in as amended.

Assembly Bill 232

Relating to damaging, removing or otherwise tampering with uniform snowmobile signs and standards and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 232

Read a third time and concurred in.

Senate Bill 80

An act relating to creating a committee to study the feasibility of establishing a regional high school of excellence and making an appropriation.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 80

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 25.

Noes — Senators Adelman, Breske, Decker, George, Jauch, Risser and Wineke — 7.

Absent or not voting — Senator Plewa — 1.

Passed.

Senate Bill 200

Relating to general relief benefits, eligibility, procedures and reimbursements.

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

The question was: Adoption of Senate amendment 2?

Senator Leean moved rejection of Senate amendment 2.

The question was: Rejection of Senate amendment 2?

Senator George moved that **Senate Bill 200** be indefinitely postponed.

The question was: Shall **Senate Bill 200** be indefinitely postponed?

Senator Leean, with unanimous consent, asked that **Assembly Bill 726** be withdrawn from joint committee on Finance and be referred to committee on Senate Organization.

Senator Leean, with unanimous consent, asked that **Assembly Bill 724** be withdrawn from joint committee on Finance and be referred to committee on Senate Organization.

The question was: Shall **Senate Bill 200** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 23; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Burke, Clausing, George, Helbach, Jauch, Moore, Risser and Wineke — 9.

Noes — Senators Andrea, Breske, Buettner, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 23.

Absent or not voting — Senator Plewa — 1.

Indefinite postponement refused.

Senator Ellis, with unanimous consent, asked that the Senate stand informal for 17 minutes.

4:05 P.M.

STOOD INFORMAL

4:22 P.M.

The Senate reconvened.

Senator Rude in the Chair.

QUORUM CALL

The Chair noted the possible lack of a quorum.

The roll was called and the following Senators answered to their names:

Present — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 32.

Absent — None.

Absent with leave — Senator Plewa — 1.

The question was: Rejection of Senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes — Senators Cowles, Decker, Ellis, George, Huelsman, Lasee, Leean, Moen, Panzer, Rude, Schultz, Weeden and Wineke — 13.

Noes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Darling, Drzewiecki, Farrow, Helbach, Jauch, Lorman, Moore, Petak, Potter, Risser, Rosenzweig and Zien — 19.

Absent or not voting — Senator Plewa — 1.

Rejection refused.

The question was: Adoption of Senate amendment 2?

Adopted.

The question was: Adoption of Senate amendment 3?

Senator Buettner, with unanimous consent, asked that Senate amendment 3 be laid on the table.

The question was: Adoption of Senate amendment 4?

Adopted.

The question was: Adoption of Senate amendment 5?

Adopted.

The question was: Adoption of Senate amendment 6?

Senator George moved rejection of Senate amendment

The question was: Rejection of Senate amendment 6?

The ayes and noes were demanded and the vote was: ayes, 6; noes, 26; absent or not voting, 1; as follows:

Ayes — Senators Adelman, George, Jauch, Moore, Risser and Wineke — 6.

Noes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 26.

Absent or not voting — Senator Plewa — 1.

Rejection refused.

The question was: Adoption of Senate amendment 6?

Senator George raised the point of order that Senate amendment 6 to **Senate Bill 200** is not germane.

The Chair rules the point not well taken.

Senator George appeals the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes — Senators Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 18.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Potter, Risser and Wineke — 14.

Absent or not voting — Senator Plewa — 1.

The ruling of the Chair stands as the judgment of the Senate.

Senator Moen, with unanimous consent, asked that the Senate recess until 4:52 P.M..

4:43 P.M.

RECESS

4:52 P.M.

The Senate reconvened.

The question was: Adoption of Senate amendment 6?
Adopted.

The question was: Adoption of Senate amendment 7?
Adopted.

The question was: Adoption of Senate amendment 8?
Adopted.

The question was: Adoption of Senate amendment 9?

Senator Buettner moved rejection of Senate amendment 9.

The question was: Rejection of Senate amendment 9?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 21.

Noes — Senators Adelman, Burke, Chvala, Clausing, George, Helbach, Jauch, Moen, Moore, Risser and Wineke — 11.

Absent or not voting — Senator Plewa — 1.

Rejected.

The question was: Adoption of Senate amendment 10?

Senator Buettner moved rejection of Senate amendment 10.

The question was: Rejection of Senate amendment 10?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 22.

Noes — Senators Adelman, Burke, Clausing, George, Helbach, Jauch, Moen, Moore, Risser and Wineke — 10.

Absent or not voting — Senator Plewa — 1.

Rejected.

The question was: Adoption of Senate amendment 11?

Senator Buettner moved rejection of Senate amendment 11.

The question was: Rejection of Senate amendment 11?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Lecan, Lorman, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 22.

Noes — Senators Adelman, Burke, Clausing, George, Helbach, Jauch, Moen, Moore, Risser and Wineke — 10.

Absent or not voting — Senator Plewa — 1.

Rejected.

The question was: Adoption of Senate amendment 12?

Senator Buettner moved rejection of Senate amendment 12.

The question was: Rejection of Senate amendment 12?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 15.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Cowles, Decker, George, Helbach, Jauch, Lorman, Moen, Moore, Potter, Risser and Wineke — 17.

Absent or not voting — Senator Plewa — 1.

Rejection refused.

The question was: Adoption of Senate amendment 12?

Senator Ellis moved that Senate amendment 12 be laid on the table.

The question was: Shall Senate amendment 12 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Potter, Risser and Wineke — 15.

Absent or not voting — Senator Plewa — 1.

Tabled.

Senate amendment 13 to **Senate Bill 200** offered by Senators Decker, Rude and Chvala.

The question was: Adoption of Senate amendment 13?

Adopted.

Senate amendment 14 to **Senate Bill 200** offered by Senator Adelman.

The question was: Adoption of Senate amendment 14?

Senator Buettner moved rejection of Senate amendment 14.

The question was: Rejection of Senate amendment 14?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, George, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 18.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, Helbach, Jauch, Moen, Moore, Potter, Risser and Wineke — 14.

Absent or not voting — Senator Plewa — 1.

Rejected.

Senate amendments 15 and 16 to **Senate Bill 200** offered by Senator Moore.

The question was: Adoption of Senate amendment 15?

Adopted.

The question was: Adoption of Senate amendment 16?

Senator Buettner moved rejection of Senate amendment 16.

The question was: Rejection of Senate amendment 16?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Chvala, Cowles, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rude, Schultz, Weeden and Zien — 21.

Noes — Senators Adelman, Breske, Burke, Clausing, Darling, George, Jauch, Moore, Risser, Rosenzweig and Wineke — 11.

Absent or not voting — Senator Plewa — 1.

Rejected.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 200

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 28.

Noes — Senators George, Moore, Risser and Wineke — 4.

Absent or not voting — Senator Plewa — 1.

Passed.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

Assembly Bill 129

Relating to charges for insufficient checks, detention of persons involved in retail theft, increasing the damages and fees allowed in retail theft and worthless check civil actions and allowing civil actions against any individual 14 years of age or older or the minor's parents for retail theft.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Huelsman moved rejection of Senate amendment 1.

The question was: Rejection of Senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Jauch, Lasee, Lekan, Lorman, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 20.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, George, Helbach, Moen, Moore, Risser and Wineke — 12.

Absent or not voting — Senator Plewa — 1.

Rejected.

The question was: Adoption of Senate amendment 2?

Senator Huelsman moved rejection of Senate amendment 2.

The question was: Rejection of Senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 23.

Noes — Senators Adelman, Burke, Chvala, Clausing, George, Moen, Moore, Risser and Wineke — 9.

Absent or not voting — Senator Plewa — 1.

Rejected.

The question was: Adoption of Senate amendment 3?

Senator Huelsman moved rejection of Senate amendment 3.

The question was: Rejection of Senate amendment 3?

Rejected.

The question was: Adoption of Senate amendment 4?

Senator Huelsman moved rejection of Senate amendment 4.

The question was: Rejection of Senate amendment 4?

Rejected.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 129

Read a third time and concurred in.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

RULING OF THE CHAIR

Earlier today the Senator from the 26th raised the point of order that Senate substitute amendment 1 to Senate Bill 358 was not germane.

The Senator from the 26th raised the point that the bill is a limitation and the substitute is a statute of repose.

The bill as originally presented placed a 2 year limitation from the date the party bringing an action discovers or should have reasonably discovered an act or omission, or a total 5 year limitation on bringing an action from the date of the occurrence of the act or omission.

Senate substitute amendment 1 would place a 6 year limitation on when an action may be commenced from the date of the act or omission.

Both the bill and the substitute amendment relate to limiting the time to when an action may be brought, both contain the statute of repose concept or use the date of occurrence to determine the limit.

The substitute does in fact limit the scope by eliminating reference to a limitation based on a period of time from when the fault is discovered. Senate Rule 50 (7) allows for limiting the scope. Therefore, it is the opinion of the Chair that the substitute amendment is germane and the point of order is not well taken.

Brian D. Rude
President of the Senate

Senate Bill 358

Relating to limitations of actions regarding professional accounting services.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1?

Senator Farrow moved rejection of Senate amendment 1 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leraan, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 23.

Noes — Senators Adelman, Burke, Chvala, Clausing, Decker, George, Jauch, Moore and Risser — 9.

Absent or not voting — Senator Plewa — 1.

Rejected.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 358** offered by Senator Risser.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1?

Senator Farrow moved rejection of Senate amendment 2 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leraan, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 21.

Noes — Senators Adelman, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moore, Risser and Wineke — 11.

Absent or not voting — Senator Plewa — 1.

Rejected.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 358** offered by Senator Risser.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1?

Senator Farrow moved rejection of Senate amendment 3 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leraan, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 23.

Noes — Senators Adelman, Burke, Chvala, Clausing, George, Jauch, Moore, Risser and Wineke — 9.

Absent or not voting — Senator Plewa — 1.

Rejected.

The question was: Adoption of Senate substitute amendment 1?

Senator Risser moved rejection of Senate substitute amendment 1.

The question was: Rejection of Senate substitute amendment 1?

Senator George moved that **Senate Bill 358** be indefinitely postponed.

The question was: Shall **Senate Bill 358** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 23; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Burke, Chvala, Clausing, Decker, George, Jauch, Moore and Risser — 9.

Noes — Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 23.

Absent or not voting — Senator Plewa — 1.

Indefinite postponement refused.

The question was: Rejection of Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 22; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Burke, Chvala, Clausing, Decker, George, Jauch, Moore, Risser and Wineke — 10.

Noes — Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 22.

Absent or not voting — Senator Plewa — 1.

Rejection refused.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Senator Moore, with unanimous consent, asked that **Senate Bill 358** be referred to committee on Judiciary and Insurance.

Senator Ellis objected.

Senator Moore moved that **Senate Bill 358** be referred to committee on Judiciary and Insurance.

The question was: Shall **Senate Bill 358** be referred to committee on Judiciary and Insurance?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 24; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Burke, Chvala, Clausing, George, Jauch, Moore and Risser — 8.

Noes — Senators Andrea, Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak,

Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 24.

Absent or not voting — Senator Plewa — 1.

Referral refused.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 358

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 23.

Noes — Senators Adelman, Burke, Chvala, Clausing, Decker, George, Jauch, Moore and Risser — 9.

Absent or not voting — Senator Plewa — 1.

Passed.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Wednesday, October 27.

7:20 P.M.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 436** offered by Senator Decker.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 771

Assembly amendment 4, to Assembly substitute amendment 1

1. Page 2, line 1: substitute "sub." for "par.".